

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAWN KEEFER, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, *et al.*,

Defendants.

No. 1:24-cv-147

Judge Jennifer P. Wilson

**MOTION TO DISMISS**

Governor Josh Shapiro, Secretary of the Commonwealth Al Schmidt, and Deputy Secretary Jonathan Marks move to dismiss Plaintiffs' Amended Complaint (ECF No. 18) under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The Amended Complaint should be dismissed for the reasons described in the contemporaneously filed brief.

March 20, 2024

Respectfully submitted,

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Commonwealth Al Schmidt, and  
Deputy Secretary Jonathan  
Marks*

**CERTIFICATES**

I hereby certify that a copy of this motion has been served on all counsel of record using the Court's CM/ECF system.

I further certify that, as required under Local Rule 7.1 and this Court's conferral order (ECF No. 4), I conferred with counsel for Plaintiffs about whether deficiencies in the Amended Complaint can be cured. The Pennsylvania Defendants communicated that the Amended Complaint has incurable deficiencies as identified in the previously filed opposition to Plaintiffs' motion for a preliminary injunction. Counsel for Plaintiffs communicated that Plaintiffs oppose dismissal.

March 20, 2024

*/s/ Jacob B. Boyer*

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Jacob B. Boyer

*Counsel for Governor Josh Shapiro,  
Secretary of the Commonwealth Al  
Schmidt, and Deputy Secretary  
Jonathan Marks*